



Image AFL/36364

MAIL STOP APPEAL BRIEF-PATENTS

Atty. Docket No. 0512-1026

PATENTS

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE BEFORE
THE BOARD OF PATENT APPEALS AND INTERFERENCES**

In re application of

Yves HERANNEY

Serial No. 10/089,627

Appeal No. _____

Filed April 2, 2002

(GROUP 3636)

ADJUSTABLE ARMREST FOR AN INSIDE
WALL OF A MOTOR VEHICLE

APPEAL BRIEF

MAY IT PLEASE YOUR HONORS:

1. Real Party in Interest

The real party in interest in this appeal is the current assignee, Faurecia Industries of Boulogne Billancourt, France.

2. Related Appeals and Interferences

None.

3. Status of Claims

Claims 12-25 remain in the application. Claims 13-17 and 23-25 have been allowed. Claims 20 and 21 include allowable subject matter. Claims 12, 18-19, and 22 were rejected and are the subject of the present appeal.

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4. Status of Amendments

The final Official Action was issued September 17, 2003. All amendments prior to the final Official Action were entered. No amendments were filed after the final Official Action. Therefore, the pending claims are as set forth in the Appendix.

5. Summary of Invention

Claim 12 is directed to an armrest for an inside wall of a motor vehicle (page 1, lines 3-8). The armrest has an elongate shape (as shown in Figure 2, for example) along a main longitudinal axis (page 3, lines 33-34), and has a connection member 7 (Figure 2) adapted to connect an end region of the armrest to the wall. The connection member defines a pivoting connection about a substantially horizontal transverse axis (page 3, line 35 through page 4, line 5) enabling the armrest to move angularly relative to the wall. The armrest also includes a locking member 10 and a stop piece 12 (Figures 2 and 2A and page 4, lines 6-35), where the stop piece is adapted to be secured to the wall and the locking member is adapted to co-operate with the stop piece so as to hold the armrest in modifiable manner in a selected angular position.

6. Issues

Whether the subject matter of claims 12, 18, and 22 is anticipated under 35 U.S.C. §102 by WESTROPE 2,325,292.

Whether claim 19 would have been obvious under 35 U.S.C. §103 to one of skill in the art at the time of the present invention over WESTROPE in view of BROCK 4,030,748.

7. Grouping of Claims

Claims 12, 18-19, and 22 stand or fall together. Claims 13-17 and 23-25 have been allowed and claims 20 and 21 include allowable subject matter and are not the subject of the present appeal.

8. Argument

The issue is simple. Does WESTROPE disclose an armrest that has the claimed pivoting connection about a substantially horizontal transverse axis enabling the armrest to move angularly relative to the wall? The Examiner says that it does, and applicant disagrees.

In Figure 1, WESTROPE discloses an armrest attached to a wall whose height is adjustable (page 1, left column, lines 3-9). The armrest is connected to the wall with two screw assemblies that each includes a threaded bolt 27, nut 28, and a head 30 on the interior (page 1, right

column, lines 34-39). The wall includes two slots 34 for the passage of bolt 27 whose sides 35 are flattened where bolt 27 passes through slot 34 (page 1, right column, lines 43-47). As is apparent from Figure 1, the slots 34 are parallel and bolts 27 slide up and down in the slots. As shown in Figure 2, head 30 is inside the slot 34 to hold the armrest on the wall. The arrangement of bolts 27 in the armrest shown in Figures 2 and 3 (these are orthogonal views) clearly illustrates that the positions of the bolts are fixed on the armrest. That is, the distance between the bolts is fixed and unchangeable.

By way of background, when an object pivots, one part is fixed and another part spaced from the fixed part moves in an arc. During pivoting rotation, the part that is spaced from the fixed part cannot move in a straight line. It is physically impossible. Conversely, an object with two parts that are spaced a fixed distance apart cannot be pivotally rotated IF the two parts are restricted to motion in parallel lines. The two parts must move together along the parallel lines,

Returning to WESTROPE, it is apparent that movement of the bolts 27 is restricted to motion in parallel lines, and thus WESTROPE cannot move pivotally and thus does not disclose the claimed pivoting connection. The armrest

in WESTROPE can ONLY move up and down. Accordingly, claim 12 avoids the rejection under §102.

The Examiner does not appear to appreciate the geometry described above that restricts the movement of the armrest to up and down motion. The Examiner states that pivoting movement is realized if the front end is slid vertically in the front slot while the rear end is held against sliding. However, the two bolts 27 are a fixed distance apart and must move together in the parallel slots. If the rear end is held fixed, the front end cannot move at all (i.e., the front end tries to move in an arc, which is impossible since motion is restricted to a straight line, and thus does not move at all.) The armrest in WESTROPE cannot rotate with one end fixed; indeed, it cannot rotate at all. The Examiner is invited to draw two parallel lines and attempt to pivot an object, when two points that are a fixed distance apart on the object stay on the parallel lines. It can't be done.

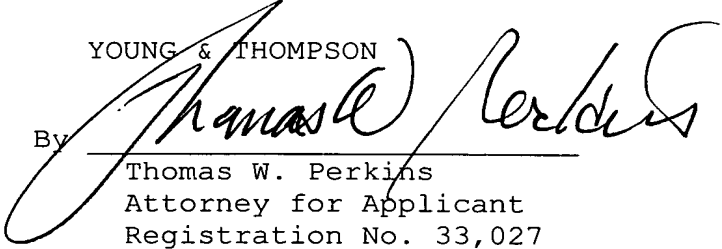
Claims 18-19 and 22 are allowable for the reasons set forth above.

In view of this, it is believed that the rejection of record cannot be sustained and that the same must be reversed and such is respectfully requested.

Respectfully submitted,

YOUNG & THOMPSON

By



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December 29, 2003

9. Appendix

Claims 12-25 remain in the application. Claims 13-17 and 23-25 have been allowed. Claims 20 and 21 include allowable subject matter. Claims 12, 18-19, and 22 were rejected and are the subject of the present appeal. All of the pending claims, including the allowed and allowable claims are set forth below.

12. An armrest for an inside wall of a motor vehicle, the armrest being of elongate shape along a main longitudinal axis, presenting a first end region along said axis, and comprising a connection member adapted to connect said first end region to the wall, wherein the connection member defines a pivoting connection about a substantially horizontal transverse axis enabling the armrest to move angularly relative to the wall, and wherein the armrest includes a locking member and a stop piece, said stop piece being adapted to be secured to the wall and said locking member being adapted to co-operate with said stop piece so as to hold the armrest in modifiable manner in a selected angular position.

13. An armrest for an inside wall of a motor vehicle, the armrest being of elongate shape along a main longitudinal axis, presenting a first end region along said axis, and comprising a connection member adapted to connect said first end region to the wall, wherein the connection

member defines a pivoting connection about a substantially horizontal transverse axis enabling the armrest to move angularly relative to the wall, and wherein the armrest includes a locking member and a stop piece, said stop piece being adapted to be secured to the wall and said locking member being adapted to co-operate with said stop piece so as to hold the armrest in modifiable manner in a selected angular position,

wherein the stop piece and the locking member have complementary notches and teeth extending radially relative to the pivot axis, said notches and teeth presenting a plurality of relative positions and being coupled together or uncoupled by relative movement in substantially longitudinal translation.

14. An armrest according to claim 13, wherein the stop piece has at least one notch while the locking member has a plurality of teeth.

15. An armrest according to claim 13, wherein the locking member has a rod that is slidable relative to the armrest in a substantially longitudinal direction.

16. An armrest according to claim 15, wherein a return spring acting in the sliding direction of the rod connects said rod to the armrest in such a manner as to apply a force tending to couple together the notches and the teeth.

17. An armrest according to claim 15, wherein the armrest presents a hollow inside volume in which the stop piece and at least a portion of the locking member carrying the teeth extend, an end portion of the rod extending to a top face of the armrest so as to constitute a control member.

18. An armrest according to claim 12, wherein the connection member comprises a shaft adapted to be mounted to turn in a complementary hole of a fixing piece secured to the wall, and a friction ring engaged on said shaft and adapted to bear against an adjacent wall of the fixing piece so as to exert torque that resists pivoting of the armrest relative to the wall.

19. An armrest according to claim 18, wherein the friction ring is made of a flexible elastic material, in particular of rubber.

20. An armrest according to claim 12, wherein the armrest is secured to a handle member which presents a circularly arcuate rod centered on the pivot axis of the armrest, the rod being adapted to engage a hole formed through a substantially horizontal arm of a force transmission piece secured to the wall so as to enable the rod to slide freely through the hole with a small amount of radial clearance.

21. An armrest according to claim 20, wherein the handle member is a hollow piece fitted to the armrest in a complementary recess, the rod extending downwards essentially in a recess within the armrest that is adapted to receive at least the perforated portion of the arm of the force transmission piece.

22. A motor vehicle including an armrest according to claim 12.

23. An armrest for a wall of a motor vehicle, the armrest comprising:

an elongate shelf having a longitudinal axis;

a pivot in said shelf adjacent to an end of said shelf and about which said shelf rotates;

a lock in said shelf spaced from said pivot and having plural notches, said lock being adapted to fix said shelf in plural positions defined by said plural notches relative to a wall of a motor vehicle; and

a rod in said shelf that is movable generally parallel to the longitudinal axis to unfix said lock to permit rotation of said shelf about said pivot.

24. The armrest of claim 23, wherein said lock comprises a stop piece adapted to be fixed to a wall of a motor vehicle and a complementary piece that engages said stop piece to fix said shelf in said plural positions,

wherein movement of said rod separates said stop piece from said complementary piece.

25. The armrest of claim 23, wherein said plural notches extend radially relative to said pivot.



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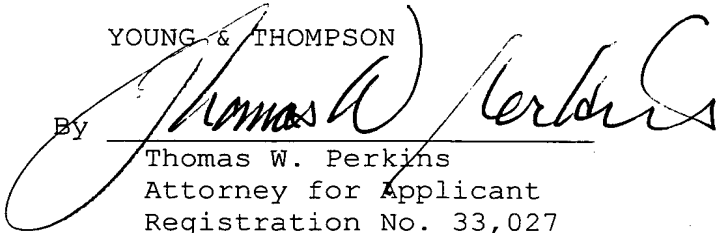
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a pivot in said shelf adjacent to an end of said shelf and about which said shelf rotates;

a lock in said shelf spaced from said pivot and having plural notches, said lock being adapted to fix said shelf in plural positions defined by said plural notches relative to a wall of a motor vehicle; and

a rod in said shelf that is movable generally parallel to the longitudinal axis to unfix said lock to permit rotation of said shelf about said pivot.

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25. The armrest of claim 23, wherein said plural notches extend radially relative to said pivot.